

**REMARKS**

Claims 1-12 remain in this application.

The Examiner has rejected the claims as obvious under 35 USC 103 over Kakibayashi in view of Hosoki. Applicants respectfully traverse these rejections.

The characteristic feature of the present invention is in a scanning type charged-particle microscope (an SEM) having an annular aperture positioned between the charged-particle source and the scanning deflector in order to improve resolving power while simultaneously making the depth of focus large. As noted above, this specific location of the aperture is now a limitation in all of the independent claims.

The Examiner asserts that Kakibayashi discloses an arrangement for the passage/annular aperture between the charged particle source and the scanning deflector, and the sample image obtained by scanning the charged particle beam which is cut in the half-opening thereof through the aperture, with the scanning deflector. The Examiner also contends that the newly cited reference Hosoki further discloses these features.

However, as the Examiner admits, Hosoki relates to a device to obtain the stereo image, and the element 10 shown in Fig. 6 of Hosoki does not show the aperture to cut the band half-opening, but simply shows only the two holes installed in order to irradiate the particle beam on the sample from a left hand side or a right hand side. That is, the beam scanned simply passes through the circular aperture. Therefore, Hosoki does not disclose the aperture to cut the band half-opening of the particle beam irradiated on the sample as in the present claims.

Furthermore, Kakibayashi shows in Fig. 20 that an aperture to limit a center of the particle beam transmitted the transmitted the sample is provided in order to selectively obtain a necessary compositional information by detecting the particle beam that has passed through the sample. Therefore, Kakibayashi does not disclose to cut the band half-opening of the particle beam irradiated on the sample, as in the present claims.

In this way, the apertures shown in Hosoki and Kakibayashi are respectively quite different from that in the claimed invention relating to their utilization purpose, and they do not disclose or suggest the idea to scan the particle beam which is used to cut the band half-opening thereof, on the sample.

Furthermore, as it is difficult to find a common subject to be solved between Hosoki and Kakibayashi, and it is quite difficult to combine Hosoki and Kakibayashi. Therefore the claimed invention is not obvious over these applied references.

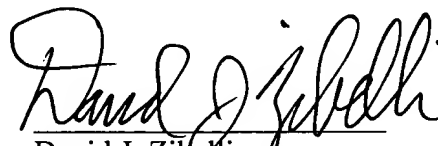
For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance is solicited.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Examiner is requested, after reviewing this response to contact the undersigned to discuss any remaining issues in this application.

The Office is authorized to charge any additional fees or credit any overpayment under 37 C.F.R. § 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

  
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